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REMARKS

Claims 2-5, 12 and 16 are pending in the application. Claims 2-3 were rejected under 35 U.S.C. § 112. Claims 2-5 and 12 were rejected under 35 U.S.C. § 103 (a).

Rejection Under 35 U.S.C. § 112

Claims 2-3 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have responded by amending claims 2-3.

Rejection Under 35 U.S.C. § 103 (a)

Claims 2-5 and 12 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Application Number 2003/0165143 issued to Jormanainen in view of U. S. Patent Number 6,208,657 issued to Dendi.

Applicants have avoided this ground of rejection for the following reasons.

First, applicants' claim 12, as amended, now recites,

"A system for using asynchronous transfer mode adaptation layer 2 (AAL2) switching within a wireless access gateway, comprising:

a plurality of external AAL2 permanent virtual circuits (PVCs);

a plurality of internal AAL2 PVCs;

a plurality of transcoders;

at least one intermediate node that terminates the plurality of external AAL2 PVCs and the at least one intermediate node is operatively connected to the internal AAL2 PVCs; and

a single packet switch control operatively connected to the at least one intermediate node, the plurality of internal AAL2 PVCs and the plurality of transcoders;

wherein the single packet switch control is structured to instruct the at least one intermediate node to switch individual AAL2 common part sublayer (CPS)-Packets from the external AAL2 PVCs to the internal AAL2 PVCs, the single packet switch control is structured to allocate individual channel identifiers (CIDs) to transcoder channels on an as needed basis, and the single packet switch control is structured to effect switching of individual packets from the external AAL2 PVCs and to the internal AAL2 PVCs that

allows for an even distribution of load among the transcoders even if a load on the external AAL2 PVCs is uneven."

As stated in the Office Action, Jormanainen does **not** teach or suggest "an algorithm that takes into account at least a current state of each of the plurality of transcoders and a current load of all of the plurality of transcoders" or "the single packet switch control is structured to effect switching of individual packets from the external AAL2 PVCs and to the internal AAL2 PVCs that allows for an even distribution of load among the transcoders even if a load on the external AAL2 PVCs is uneven" as recited in applicants' claim 12.

Applicants note that Jormanainen does **not** teach or suggest "<u>at least one intermediate node that terminates the plurality of external AAL2 PVCs</u> and the at least one intermediate node is operatively connected to the internal AAL2 PVCs" either. This is because the Examiner has equated applicants' recited "at least one intermediate node" to Jormanainen's AAL2 service unit 9. Also, the Examiner has equated applicants' recited "a plurality of external AAL2 permanent virtual circuits (PVCs)" to Jormanainen's AAL2 Permanent Virtual Circuit to/from BS that terminates on ATM switch 1. See Fig. 1. Furthermore, the Examiner has equated applicants' recited "a plurality of internal AAL2 PVCs" to Jormanainen's "AAL2 Permanent Virtual Circuit between internal components of ATM switch of Fig. 1". However, Jormanainen's AAL2 service unit 9 does **not** terminate Jormanainen's AAL2 Permanent Virtual Circuit to/from BS, because AAL2 service unit 9 **only** has a connection to ATM switch 1 and a connection to AAL2 connection control 8 via connections that the Examiner alleges are "a plurality of internal AAL2 PVCs". See Fig. 1. Thus, Jormanainen is missing the "at least one intermediate node that terminates the plurality of external AAL2 PVCs" elements, as recited in claim 12.

Dendi does **not** teach or suggest the limitation either. This is because Dendi does **not** disclose an intermediate node that terminates external PVCs. Thus, Dendi, similar to Jormanainen, is missing the "at least one intermediate node that terminates the plurality of external AAL2 PVCs" elements, as recited in claim 12.

Second, the proposed combination of Jormanainen and Dendi fails to teach or suggest applicants' claim 12, because claim 12 requires the use of only one "single

packet switch control" element. By contrast, the Examiner proposes to use two different "single packet switch control" elements in order to achieve applicants' claim 12. In particular, the Examiner proposes to use 1) Jormanainen's "AAL2 connection control 8", and 2) Dendi's "resource manager 560". However, there is no way to combine Jormanainen's "AAL2 connection control 8" with Dendi's "resource manager 560" so as to form applicants' recited "single packet switch control". This is because Jormanainen's "AAL2 connection control 8" is an element internal to an ATM switch that handles AAL2 cross-connections. See paragraph 0046. By contrast, Dendi's "resource manager 560" maintains status information about elements of a virtual bearer channel platform (i.e., SONET platform). See column 14, lines 47-51 and Fig. 5. Therefore, by combining Jormanainen with Dendi, the Examiner is attempting to modify the references in a manner for which a skilled person would <u>not</u> have had an expectation of success. See MPEP 2143.02. Thus, the proposed combination is improper.

Therefore the proposed combination of Jormanainen and Dendi does not teach or suggest all of the limitations in applicants' claim 12, and therefore claim 12 is allowable over the proposed combination. Since claims 2-5 depend from allowable claim 12, these claims are also allowable over the proposed combination.

New Claim

New claim 16 has been added. Claim 16 provides a limitation directed to the single packet switch control. No new matter has been added.
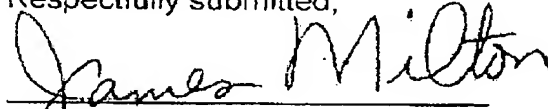
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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,

James Milton
Attorney for Applicants
Reg. No. 46,935

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CARMEN PATTI LAW GROUP, LLC
Customer Number 47382
(312) 346-2800